

**United States District Court
Northern District of Indiana**

JOSEPH HOWARD McCLAIN,)	
)	
Petitioner,)	
)	Civil Action No. 1:11-CV-074 JVB
v.)	
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

Joseph Howard McClain, a *pro se* prisoner, has filed yet another habeas corpus petition attempting to challenge his criminal conviction for rape by the Allen Circuit Court on October 10, 1978. In *McClain v. Superintendent*, 1:10-cv-324 (N.D. Ind. filed September 17, 2010), this court detailed his many prior efforts to file unauthorized successive petitions. Then the Court restricted him from filing anything in this court other than a habeas corpus challenge to a new state court conviction or a notice of appeal in that case. He was also cautioned that if he attempted to violate that order, that he might be fined. In addition to this case which was inadvertently docketed, the clerk has documented five other attempts by McClain to violate that order. Therefore a fine is now warranted.

For the foregoing reasons, the Court:

- (1) **DISMISSES** this frivolous case for want of jurisdiction;
- (2) **DIRECTS** the clerk to send a copy of this order to the superintendent of the facility where Joseph H. McClain is currently confined;
- (3) **FINES** Joseph Howard McClain, IDOC # 14421, in the amount of \$50;
- (4) **DIRECTS** the clerk to establish a ledger for the collection of this fine;

- (5) **ORDERS** the Superintendent of the facility where Joseph Howard McClain is housed to remit 100% of the money he has on account with the facility until this fine is paid; and
- (6) **ADMONISHES** Joseph H. McClain that if he again attempts to file in violation of the restriction imposed in *McClain v. Superintendent*, 1:10-cv-324 (N.D.Ind. filed September 17, 2010), he may be further fined or subjected to more severe restrictions.

SO ORDERED on March 8, 2011.

s/Joseph S. Van Bokkelen
Joseph S. Van Bokkelen
United States District Judge
Hammond Division